BILL NO. S-93-12-01

ORDINANCE NO. S-90-93

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO AMEND AND SUPPLEMENT THE TRUST INDENTURE AND LOAN AGREEMENT FOR THE WILLIAM P. BAER PROJECT AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the City of Fort Wayne (the "City") issued on December 28, 1989, its Economic Development Refunding Revenue Bond, Series 1989 (William P. Baer Project) (the "Bond") pursuant to a Trust Indenture dated as of December 15, 1989 (the "Indenture") from the City to Lincoln National Bank and Trust Company of Fort Wayne (now known as Norwest Bank Fort Wayne, N.A.), as Trustee (the "Trustee"), and loaned the proceeds of said Bond pursuant to the terms of the Loan Agreement dated as of December 15, 1989 (the "Loan Agreement"), between the City and William P. Baer (the "Borrower") to refinance certain economic development facilities; and

WHEREAS, the City, the Trustee and the Borrower now desire to amend and supplement the Indenture and the Loan Agreement to substitute a different issuer of the Letter of Credit and to amend the name of the Trustee; and

WHEREAS, the City, the Trustee, the Borrower and the original issuer of the Letter of Credit have consented to such amendments and supplements;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

Section 1. The substantially final form of the First Supplement and Amendment to Trust Indenture (the "Amendatory Indenture") and the First Supplement and Amendment to Loan Agreement (the "Amendatory Loan Agreement"), each dated as of November 15, 1993, are hereby approved and shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with the provisions of I.C. 36-1-5-4, two (2)

copies of the Amendatory Indenture and the Amendatory Loan Agreement are on file in the office of the Clerk for public inspection.

Section 2. The action of the Mayor and the Clerk in executing, attesting, affixing or imprinting by any means the City seal to the documents constituting the Amendatory Indenture and the Amendatory Loan Agreement approved herein on behalf of the City and any other document deemed necessary or desirable to consummate the transaction is hereby authorized, ratified and approved. The Mayor and Clerk are expressly authorized to approve any modifications or additions to the Amendatory Trust Indenture and the Amendatory Loan Agreement which take place after the date of this Ordinance with the review and advice of the City Attorney, it being the express understanding of this Common Council that said Amendatory Trust Indenture and Amendatory Loan Agreement are in substantially final form as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon.

Section 3. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor but only upon the Trustee obtaining the requisite consents from the holders of outstanding Bonds with respect to the amendments set forth in the Amendatory Trust Indenture and Amendatory Loan Agreement.

Passed and adopted this 23rd day of November, 1993.

FORT WAYNE COMMON COUNCIL

Presiding Officer

Mark E. GiaQuinta

(Seal)

Attest:

_____
Clerk

Presented by me to the Mayor of the City of Fort Wayne, on the ____ day of November, 1993.

_____
Clerk, City of Fort Wayne

Approved and signed by the Mayor of the City of Fort Wayne, on the ____ day of November, 1993.

_____
Mayor, City of Fort Wayne

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay

J. Timothy McCaulay, City Attorney

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: _____

_____
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Lunsey, ~~seconded by _____~~, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8			1
BRADBURY	✓			
EDMONDS	✓			
GiaQUINTA	✓			
HENRY	✓			
LONG				✓
LUNSEY	✓			
RAVINE	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: 12-7-93.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~ (SPECIAL) ~~(ZONING)~~ ORDINANCE ~~RESOLUTION~~ NO. S-90-93 on the 7th day of December, 1993

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Mark C. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 8th day of December, 1993, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of December, 1993, at the hour of 11:00 o'clock P M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

SUSPENSION OF RULES

BILL NO. S-93-12-01

COUNCILMEMBER Lunsey, MOVED TO SUSPEND THE RULES FOR THE PASSAGE OF BILL NO. S-93-12-01, AT THE COMMON COUNCIL MEETING OF THE CITY OF FORT WAYNE, INDIANA, HELD ON THE 7th, DAY OF December, 1993, SAID MOTION WAS ~~SECONDED BY COUNCILMEMBER~~, AND DULY PASSED BY UNANIMOUS VOTE OF ALL LEGALLY ELECTED MEMBERS OF THE COMMON COUNCIL. THE ABOVE BILL NO. S-93-12-01 WAS THEN PLACED ON PASSAGE.

DATED: 12-7-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark C. GiaQuinta
PRESIDING OFFICER

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES				
BRADBURY	J.Y.Bradbury			
EDMONDS	Cletus R Edmonds			
GiaQUINTA	Mark C. GiaQuinta			
HENRY	Thomas P. Henry			
LONG				
LUNSEY				
RAVINE				
SCHMIDT				
TALARICO	Talarico			

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA ON 12-7-93, BILL NO. S-93-12-01.

ATTEST (SEAL)

DATED: 12-7-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK